

1 JEFFREY M. TANENBAUM, State Bar No. 104951
2 jtanenbaum@nixonpeabody.com

2 JOSHUA M. HENDERSON, State Bar No. 197435
3 jhenderson@nixonpeabody.com

3 MATTHEW J. FRANKEL, State Bar No. 256633
4 mfrankel@nixonpeabody.com

4 NIXON PEABODY LLP
5 One Embarcadero Center, 18th Floor
6 San Francisco, California 94111-3600
Telephone: (415) 984-8200
Fax: (415) 984-8300

7 Attorneys for Defendant
8 USS-POSCO INDUSTRIES

9 H. Larry Elam III (SBN 178836)
10 larry@vefirm.com

11 Mark L. Venardi (SBN 173140)
12 THE VENARDI ELAM FIRM, LLP
13 2033 North Main Street, Suite 750
14 Two Ygnacio Center
15 Walnut Creek, California 94596
Telephone: (925) 937-3900
Facsimile: (925) 937-3905

16 Attorneys for Plaintiff
17 ROBERT L. DARDEN

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ROBERT L. DARDEN,

Plaintiffs,

vs.

USS-POSCO INDUSTRIES, a Delaware
corporation; MARIANE SMITH, a California
resident; MICHAEL CONNALLY, a California
resident; and DOES 1-20,

Defendants.

Case No. CV-08-05191-CRB

**STIPULATION AND [PROPOSED] ORDER
TO CONTINUE INITIAL CASE
MANAGEMENT CONFERENCE AND
RELATED DEADLINES**

1 Plaintiff Robert L. Darden and Defendants USS-Posco Industries, Mariane Smith, and
 2 Michael Connally, by and through their respective counsel, hereby stipulate as follows:

3 1. On January 29, 2009, after hearing on (i) Plaintiff's Motion to Remand and (ii)
 4 Defendants' Motion to Dismiss Plaintiff's Second Cause of Action, the Court granted Defendants'
 5 Motion to Dismiss with leave to amend and denied Plaintiff's Motion to Remand without prejudice.
 6 The Court further ordered Plaintiff to submit an Amended Complaint, if any, within twenty (20) days.

7 2. Plaintiff's counsel indicated that Plaintiff would likely file an Amended Complaint.
 8 Should Plaintiff file an Amended Complaint, the parties anticipate further motion practice regarding
 9 the sufficiency of Plaintiff's harassment claim against the California-resident Defendants Smith and
 10 Connally and thus the Court's jurisdiction over this case.

11 3. Pending the Court's final determination of whether it has jurisdiction over this case,
 12 the parties hereby stipulate and respectfully request that the Court continue the Initial Case
 13 Management Conference in this action, currently scheduled for February 20, 2009, and all related
 14 deadlines, by approximately sixty (60) days, as follows:

EVENT	EXISTING DEADLINE	NEW DEADLINE
Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan	January 30, 2009	March 31, 2009
Last day to file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference	January 30, 2009	March 31, 2009
Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement	February 13, 2009	April 14, 2009
Initial Case Management Conference	February 20, 2009	April 21, 2009

26 4. Continuing the above deadlines in this fashion will allow the parties to avoid the time
 27 and expense of meeting federal initial disclosure and case management obligations until they are
 28

1 certain that the case will remain in federal court. Further, neither the parties nor the Court will be
2 prejudiced by such a continuance.

3 IT IS SO STIPULATED.

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5 DATED: January 29, 2009

Respectfully submitted,

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NIXON PEABODY LLP

By: /s/ Matthew J. Frankel
JOSHUA M. HENDERSON
MATTHEW J. FRANKEL
Attorneys for Defendants
USS-POSCO INDUSTRIES, MARIANE
SMITH, and MICHAEL CONNALLY

DATED: January 29, 2009

Respectfully submitted,
THE VENARDI ELAM FIRM, LLP

By: /s/ H. Larry Elam
H. LARRY ELAM III
Attorneys for Plaintiff
ROBERT L. DARDEN

IT IS SO ORDERED.

Dated: February 2, 2009

